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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoshimasa Kitamura

3008-25

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11/15/2006

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EXAMINER

NGUYEN, HAI V

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/837,216

Applicant(s)

KITAMURA, YOSHIMASA

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This Office Action is in response to the communication received on 06 February 2006.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 February 2006 has been entered.

3. Claims 1-14 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Anderson** US patent # **6,499,016 B1** in view of **Bengtsson** et al. US patent application publication # **US 2005/0064887 A1**.

6. As to claim 1, Anderson discloses a method for transmitting information between a transmitting terminal and a receiving terminal via the Internet, wherein at least one of

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the transmitting terminal and the receiving terminal is a mobile tool, comprising the steps of:

storing in a server on said Internet (*Fig. 1, server 16*) a plurality of data constituting parts (*Fig. 1, voice or text annotations*) of a sending data (*Fig. 1, image data*) to be transmitted from said transmitting terminal (*the local computer, col. 5, line 15*) to said receiving terminal (*recipient, col. line 60*);

selecting one or more from said stored data by means (*user*) of operating said transmitting terminal (*Fig. 1, the user identifies the image files, specifies parameters controlling the process, e.g., selecting a photo album format, a title, etc., col. 5, lines 20-35*);

authoring said sending data on a display unit of said transmitting terminal by using said selected data (*Fig. 1, the user manually creates the photo album 26 from selected images, col. 6, lines 19-51*);

storing said sending data in said Internet server (*Fig. 1, col. 6, lines 19-51*);

However, Anderson does not explicitly disclose performing access to said Internet server to receive said sending data from said receiving terminal.

In the same file of endeavor, Bengtsson discloses in figure 3 that *the receiving party accessing the image using the WAP link received in the SMS to access the server 32 where the image is stored (Bengtsson, [0027]-[0030])*.

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Bengtsson's teachings of messages having links to the images stored on the server (*Bengtsson, [0029]-[0032]*)

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with the teachings of Anderson, for the *purpose of reducing the number of bits to be transmitted over the air interface back to the receiving terminal 34 (Bengtsson, [0030]-[0032])*.

Anderson-Bengtsson discloses distributing said sending data stored in said Internet server to said receiving terminal (*Anderson, col. 5, lines 58-63*); and

Anderson-Bengtsson discloses displaying said sending data distributed on a display unit of said receiving terminal (*Anderson, the web-based photo album is provided to the user's web browser or the user chooses to have it printed, col. 6, lines 19-51*).

7. As to claim 2, Anderson-Bengtsson discloses wherein said data stored in said Internet server is a character data or an image data (*Anderson, Abstract*).

8. As to claim 3, Anderson-Bengtsson discloses wherein said image data is data of each part of a face (*Anderson, Abstract, Fig. 1, image data 102*).

9. As to claim 4, Anderson-Bengtsson discloses wherein said step of distributing said sending data stored in said Internet server to said receiving terminal is conducted by distributing an address having access to said sending data stored in said Internet server, and said step of displaying said sending data distributed on a display unit of said receiving terminal is conducted by accessing said address (*Bengtsson, ([0026]-[0028])*).

10. As to claim 5, Anderson-Bengtsson discloses wherein said transmission of said information is conducted using a mobile tool as said transmitting terminal and said receiving terminal (*Bengtsson, Fig. 3, 30, 34*).

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11. As to claim 6, Anderson-Bengtsson discloses, wherein said step of transmitting information includes that, in case that said mobile tool used as said receiving terminal does not display said sending data on its display unit, a telephone message to urge displaying of said data on said display unit is transmitted from said mobile tool as said transmitting terminal via a telephone line to said mobile tool as said receiving terminal (*Bengtsson, ([0028])*).

12. As to claim 7, Anderson-Bengtsson discloses, wherein said step of displaying said sending data on said display unit of said receiving terminal includes a step to draw a replying data by calling said data from said Internet server and modifying a part of said sending data.

13. Claim 8 has similar limitations of claim 1; therefore, it is rejected under the same rationale as in claim 1.

14. Claims 9, 10 have similar limitations of claims 2, 3; therefore, it is rejected under the same rationale as in claims 2, 3.

15. As to claim 11, Anderson-Bengtsson discloses wherein, transmitting the stored sending data to the receiving terminal includes transmitting an address (*Bengtsson, URL link*) having access to the stored formed sending data at the Internet server; and displaying the transmitted sending data on a display unit of the receiving terminal includes accessing the address by the receiving terminal (*Bengtsson, ([0028])*).

16. Claim 12 has similar limitation of claim 5; therefore, it is rejected under the same rationale as in claim 5.

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17. As to claim 13, Anderson-Bengtsson discloses transmitting a telephone message to urge displaying of the sending data on the display unit of the receiving terminal (*Bengtsson*, ([0028])).

18. As to claim 14, Anderson-Bengtsson discloses, wherein the selected portion of the stored data is a first selected portion (*Bengtsson*, *image link*), and further comprising:

selecting a second portion (*Bengtsson*, *retrieving images or attached files*) of the stored data using the receiving terminal (*Bengtsson*, *Fig. 3*, [0028]-[0033]); and  
modifying the displayed sending data on the display unit of the receiving terminal with the selected second portion of the stored data to form reply data (*Bengtsson*, *HTML file* ([0036])).

19. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

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### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen  
Examiner  
Art Unit 2142



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